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14 Attorneys for Respondent

15  
16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION

19 JODY D. PATTERSON,

20 Petitioner,

21 v.

22 BEN CURRY, Warden,

23 Respondent.

24 C 07-5579 RMW

25 **RESPONDENT'S REQUEST FOR  
EXTENSION OF TIME TO FILE  
RESPONSIVE PLEADING;  
DECLARATION OF COUNSEL;  
PROPOSED ORDER**

26 Judge: The Honorable Ronald M. Whyte

27 For the reasons given in the attached declaration of counsel, Respondent respectfully  
28 requests a forty-five day extension of time in which to file a responsive pleading.

Dated: April 7, 2008

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

/s/ Anya Binsacca

ANYA M. BINSACCA  
Supervising Deputy Attorney General  
Attorneys for Respondent

## **DECLARATION OF COUNSEL**

I, ANYA BINSACCA, declare as follows:

1. I am an attorney admitted to practice before the courts of the State of California. I am employed by the California Attorney General's Office as a Supervising Deputy Attorney General in the Correctional Writs and Appeals Section, and supervise the team assigned to represent respondent in this case.

2. According to this Court's February 12, 2008 Order to Show Cause, Respondent's responsive pleading is due on April 9, 2008.

9       3. Although this Court issued the Order to Show Cause on February 12, the Attorney  
10 General's Office did not receive it until April 1, 2008. A paralegal has opened the case and  
11 ordered the required documents. However, additional time is necessary to receive and review the  
12 documents, order any needed follow-up documents, and prepare a responsive pleading.

13       4. For these reasons, Respondent respectfully requests a forty-five day extension of time,  
14 to and including May 26, 2008, to file a responsive pleading.

15       5. This request for an extension of time is not made for the purpose of harassment or  
16 undue delay or for any improper reason. No other request for an extension of time has been  
17 made in this case.

18       6. Petitioner is confined in state prison and cannot easily be contacted about an extension  
19 of time.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7, 2008, in San Francisco, California.

/s/ Anya Binsacca  
ANYA BINSACCA  
Supervising Deputy Attorney General

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SF2008401079

**Resp.'s Req. for Ext. of Time**

Patterson v. Curry  
C 07-5579 RMW

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Patterson v. Curry*

No.: U. S. D. C., N. D., SAN JOSE DIV., C 07-5579 RMW

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 8, 2008, I served the attached

1. **RESPONDENT'S REQUEST FOR EXTENSION OF TIME TO FILE  
RESPONSIVE PLEADING; DECLARATION OF COUNSEL; PROPOSED  
ORDER**
2. **[PROPOSED ORDER]**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

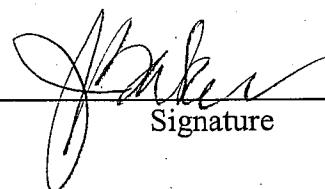
**Jody D. Patterson, E-88649  
Correctional Training Facility  
P.O. Box 689  
Soledad, CA 93960-0689  
In Pro Per**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 8, 2008, at San Francisco, California.

J. Baker

Declarant

40238862.wpd

  
Signature